

# Exhibit “A”

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

## STATE OF MICHIGAN

JUDICIAL DISTRICT  
16th JUDICIAL CIRCUIT  
COUNTY PROBATE

## SUMMONS AND COMPLAINT

CASE NO.

16-3750-NO

Court address 40 N. Main Mount Clemens, MI 48043

Court telephone no.

586-469-5120

Plaintiff's name(s), address(es), and telephone no(s).

Brandie Graham

v

Defendant's name(s), address(es), and telephone no(s).

Wal-Mart Stores, Inc.

MARY A. CHRZANOWSKI

Plaintiff's attorney, bar no., address, and telephone no.

Mark D. Foreman (P38616)  
23855 Northwestern Hwy  
Southfield, MI 48075  
(248) 948-9696**SUMMONS** NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued

OCT 20 2016

This summons expires

JAN 19 2017

Court clerk

Carmella A. Laugh

\*This summons is invalid unless served on or before its expiration date.

This document must be sealed by the seal of the court.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

## Family Division Cases

☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

## General Civil Cases

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.

Judge

Bar no.

**VENUE**

Plaintiff(s) residence (include city, township, or village)

Macomb County, Michigan

Defendant(s) residence (include city, township, or village)

Macomb County, Michigan

Place where action arose or business conducted

Macomb County, Michigan

10/13/2016

Date

Signature of attorney/plaintiff Mark D. Foreman

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR MACOMB COUNTY

BRANDIE GRAHAM,  
Plaintiff,

Case No: 16- -NO

Hon.

MARY A. CHRZANOWSKI

WAL-MART STORES INC.,  
Defendant.

MARK D. FOREMAN (P38616)  
RAVID AND ASSOCIATES, P.C.  
Attorneys for Plaintiff  
23855 Northwestern Highway  
Southfield, MI 48075  
(248) 948-9696, ext. 143

There is no other pending or resolved civil action arising out of the transaction  
or occurrence alleged in this Complaint.

**RECEIVED**

OCT 20 2016

COMPLAINT

CARMELLA SABAUGH  
Macomb County Clerk

NOW COMES Plaintiff, BRANDIE GRAHAM, by and through the attorneys, RAVID AND ASSOCIATES, P.C., and for this Complaint against Defendant, WALMART INC., states:

1. Plaintiff resides in Macomb County, Michigan.
2. Defendant has a retail corporate store in Roseville, Macomb County, Michigan and regularly conducts business in Macomb County.
3. At all pertinent times, Defendant possessed and controlled property located at 45400 Marketplace Blvd., Chesterfield, Michigan.
4. The amount in controversy exceeds \$25,000 exclusive of interest, costs, and fees and jurisdiction is otherwise appropriate in this Court.
5. On or about February 29, 2016, Plaintiff was Defendant's invitee and otherwise lawfully on Defendant's premises located at 45400 Marketplace Blvd., Chesterfield, Michigan.
6. While on Defendant's premises, spilled hand soap on shopping aisle floor which was neither open nor obvious to Plaintiff given the color of the soap and floor.
7. Defendant owed Plaintiff the following duties:
  - a. to keep its premises free from hazardous conditions;
  - b. to repair and/or remedy hazardous conditions it had either actual or

constructive knowledge of, or hazardous conditions which it, through its employees, servants, or agents, created;

- c. to conduct reasonable inspections of its premises to ensure that they were free from hazardous conditions;
  - d. to warn Plaintiff of hazardous conditions on the premises that were not readily apparent upon casual inspection by an average user with ordinary intelligence.
8. Defendant breached the duties it owed Plaintiff in the following manner:
- a. in failing to take reasonable measures to remove or repair the hazardous condition within a reasonable time;
  - b. in failing to inspect its premises to ensure that they were safe;
  - c. in failing to block or barricade the area until such time as the hazardous condition was repaired or removed;
  - d. in failing to take reasonable steps to warn Plaintiff of the hazardous condition;
  - e. in failing to maintain a reasonably safe environment as required by common law, local code or state law;
  - f. in failing to exercise reasonable care for Plaintiff's protection and safety;
  - g. in undertaking the maintenance or repair the premises, and doing so in a negligent or careless manner, thereby increasing the hazard associated with the condition in question;
  - h. in creating and allowing to continue in existence the hazardous condition in question;
  - i. in acting or neglecting to act in a manner that created, maintained or enhanced the hazardous condition in question;
9. As a result of the injuries inflicted, Plaintiff has been compelled to expend large sums of money for medical care and treatment and in the future will be compelled to expend large sums of money for medical care and treatment in order to have permanent and progressing injuries cared for.
10. The Plaintiff was gainfully employed/employable and was compelled to lose time from employment and in the future will be compelled to lose time from employment and will thereby suffer a loss of employability.
11. As a result of the injuries sustained, Plaintiff has suffered a severe loss of mobility and will be unable to engage in those activities which an individual of Plaintiff's age is accustomed to engage in and Plaintiff is hereby claiming damages for said deprivation and loss.
12. As a result of the visible nature of some, but not all of Plaintiff's injuries, Plaintiff has

suffered and will in the future continue to suffer extreme humiliation and embarrassment.

13. The injuries sustained by Plaintiff resulting from Defendant's breach of duties owed have caused Plaintiff pain, suffering, disability, and mental anguish. Plaintiff's injuries will, in the future, continue to cause pain, suffering, disability and mental anguish.

14. This Court has jurisdiction as a result of the injuries and damages sustained by Plaintiff and the amount in controversy exceeds \$25,000.00 Dollars, exclusive of interest and costs.

15. The injuries referenced herein were directly and proximately caused by Defendant's breach of the duties it owed Plaintiff.

WHEREFORE, Plaintiff prays for Judgment against Defendant, in whatever amount the jury determines to be fair, just, and adequate compensation for the injuries and damages sustained by Plaintiff, together with interest, courts costs and attorney fees.

Respectfully submitted,  
RAVID AND ASSOCIATES, P.C.

By:

  
MARK D. FOREMAN (P38616)  
Attorneys for Plaintiff  
23855 Northwestern Highway  
Southfield, MI 48075  
(248) 948-9696, ext. 143

Dated: October 13, 2016

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR MACOMB COUNTY

BRANDIE GRAHAM,  
Plaintiff,

Case No:

v.

16-3750-N0.

WALMART INC.,  
Defendant.

MARY A. CHRZANOWSKI

MARK D. FOREMAN (P38616)  
RAVID AND ASSOCIATES, P.C.  
Attorneys for Plaintiff  
23855 Northwestern Highway  
Southfield, MI 48075  
(248) 948-9696, ext. 143

**DEMAND FOR TRIAL BY JURY**

NOW COMES the above named plaintiff, by and through the attorney, MARK D.

FOREMAN (P38616) of RAVID AND ASSOCIATES, P.C., and hereby makes demand

a trial by jury of the above entitled matter.

**RECEIVED**

OCT 20 2016

Respectfully submitted,

RAVID AND ASSOCIATES, P.C.

CARMELLA SABAUGH  
Macomb County Clerk

BY:

  
MARK D. FOREMAN (P38616)  
Attorney for Plaintiff  
23855 Northwestern Highway  
Southfield, Michigan 48075  
(248) 948-9696, ext. 143

Date: October 13, 2016

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